

105TH CONGRESS  
1ST SESSION

# H. R. 1010

To improve congressional deliberation on proposed Federal private sector mandates, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 11, 1997

Mr. CONDIT (for himself, Mr. PORTMAN, Mr. SMITH of Michigan, Mr. HERGER, and Mr. WATTS of Oklahoma) introduced the following bill; which was referred to the Committee on Rules

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## A BILL

To improve congressional deliberation on proposed Federal private sector mandates, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Mandates Information  
5       Act of 1997”.

6       **SEC. 2. FINDINGS.**

7       The Congress finds the following:

8               (1) Before acting on proposed private sector  
9       mandates, the Congress should carefully consider the  
10      effects on consumers, workers, and small businesses.

1           (2) The Congress has often acted without ade-  
2       quate information concerning the costs of private  
3       sector mandates, instead focusing only on the bene-  
4       fits.

5           (3) The costs of private sector mandates are  
6       often borne in part by consumers, in the form of  
7       higher prices and reduced availability of goods and  
8       services.

9           (4) The costs of private sector mandates are  
10      often borne in part by workers, in the form of lower  
11      wages, reduced benefits, and fewer job opportunities.

12          (5) The costs of private sector mandates are  
13      often borne in part by small businesses, in the form  
14      of hiring disincentives and stunted growth.

15 **SEC. 3. PURPOSES.**

16      The purposes of this Act are the following:

17          (1) To improve the quality of the Congress' de-  
18      liberation with respect to proposed mandates on the  
19      private sector, by—

20              (A) providing the Congress with more com-  
21      plete information about the effects of such man-  
22      dates; and

23              (B) ensuring that the Congress acts on  
24      such mandates only after focused deliberation  
25      on the effects.

1           (2) To enhance the ability of the Congress to  
2       distinguish between private sector mandates that  
3       harm consumers, workers, and small businesses, and  
4       mandates that help those groups.

5 **SEC. 4. FEDERAL PRIVATE SECTOR MANDATES.**

6       (a) IN GENERAL.—

7           (1) ESTIMATES.—Section 424(b)(2) of the Con-  
8       gressional Budget Act of 1974 (2 U.S.C.  
9       658c(b)(2)) is amended—

10           (A) in subparagraph (A) by striking “and”  
11       after the semicolon; and

12           (B) by redesignating subparagraph (B) as  
13       subparagraph (C), and inserting after subpara-  
14       graph (A) the following:

15           “(B) the impact (including any dispropor-  
16       tionate impact in particular regions or indus-  
17       tries) on consumers, workers, and small busi-  
18       nesses, of the Federal private sector mandates  
19       in the bill or joint resolution, including—

20           “(i) an analysis of the effect of the  
21       Federal private sector mandates in the bill  
22       or joint resolution on consumer prices and  
23       on the actual supply of goods and services  
24       in consumer markets;

1 “(ii) an analysis of the effect of the  
 2 Federal private sector mandates in the bill  
 3 or joint resolution on worker wages, work-  
 4 er benefits, and employment opportunities;  
 5 and

6 “(iii) an analysis of the effect of the  
 7 Federal private sector mandates in the bill  
 8 or joint resolution on the hiring practices,  
 9 expansion, and profitability of businesses  
 10 with 100 or fewer employees; and”.

11 (2) POINT OF ORDER.—Section 424(b)(3) of  
 12 the Congressional Budget Act of 1974 (2 U.S.C.  
 13 658c(b)(3)) is amended by adding after the period  
 14 “If such determination is made by the Director, a  
 15 point of order under this part shall lie only under  
 16 section 425(a)(1) and as if the requirement of sec-  
 17 tion 425(a)(1) had not been met.”.

18 (3) THRESHOLD AMOUNTS.—Section 425(a)(2)  
 19 of the Congressional Budget Act of 1974 (2 U.S.C.  
 20 658d(a)(2)) is amended—

21 (A) by striking “Federal intergovernmental  
 22 mandates by an amount that causes the thresh-  
 23 olds specified in section 424(a)(1)” and insert-  
 24 ing “Federal mandates by an amount that

1 causes the thresholds specified in section 424  
 2 (a)(1) or (b)(1)”; and

3 (B) by inserting “, in the case of Federal  
 4 intergovernmental mandates exceeding the  
 5 thresholds specified in section 424(a)(1)” after  
 6 “unless”.

7 (4) APPLICATION RELATING TO APPROPRIA-  
 8 TIONS COMMITTEES.—Section 425(c)(1)(B) of the  
 9 Congressional Budget Act of 1974 (2 U.S.C.  
 10 658d(c)(1)(B)) is amended—

11 (A) in clause (i) by striking “intergovern-  
 12 mental”;

13 (B) in clause (ii) by striking “intergovern-  
 14 mental”;

15 (C) in clause (iii) by striking “intergovern-  
 16 mental”; and

17 (D) in clause (iv) by striking “intergovern-  
 18 mental”.

19 (5) APPLICATION RELATING TO CONGRES-  
 20 SIONAL BUDGET OFFICE.—Section 427 of the Con-  
 21 gressional Budget Act of 1974 (2 U.S.C. 658f) is  
 22 amended by striking “intergovernmental”.

23 (b) RULES OF THE HOUSE OF REPRESENTATIVES.—  
 24 Clause 5 of rule XXIII of the Rules of the House of Rep-  
 25 resentatives (as added by section 107 of the Unfunded

1 Mandates Reform Act of 1995 (2 U.S.C. 1514)) is amend-  
 2 ed by striking “section 424(a)(1)” and inserting “section  
 3 424 (a)(1) or (b)(1)”.

4 (c) EXERCISE OF RULEMAKING POWERS.—This sec-  
 5 tion is enacted by Congress—

6 (1) as an exercise of the rulemaking power of  
 7 the Senate and the House of Representatives, re-  
 8 spectively, and as such it shall be considered as part  
 9 of the rules of such House, respectively, and shall  
 10 supersede other rules only to the extent that they  
 11 are inconsistent therewith; and

12 (2) with full recognition of the constitutional  
 13 right of either House to change such rules (so far  
 14 as relating to such House) at any time, in the same  
 15 manner, and to the same extent as in the case of  
 16 any other rule of each House.

17 **SEC. 5. SENSE OF THE CONGRESS.**

18 It is the sense of the Congress that any unfunded  
 19 mandates that are determined by the Director of the Con-  
 20 gressional Budget Office to exceed the applicable threshold  
 21 under section 424 (a)(1) or (b)(1) of the Congressional  
 22 Budget Act of 1974 (2 U.S.C. 658f(a)(1), 658f(b)(1))  
 23 should be financed through reduced taxes, tax abatements,  
 24 or direct compensation by the Federal Government.

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